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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/604,222	06/27/2000	Marco A. DeMello	MSFT-0185	4140
41505	7590	04/14/2006	EXAMINER	
WOODCOCK WASHBURN LLP (MICROSOFT CORPORATION)			MOORTHY, ARAVIND K	
ONE LIBERTY PLACE - 46TH FLOOR				
PHILADELPHIA, PA 19103			ART UNIT	PAPER NUMBER

2131

DATE MAILED: 04/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/604,222

Applicant(s)

DEMELLO ET AL.

Examiner

Aravind K. Moorthy

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to the RCE filed on 2004 October 25.
2. Claim 6 is pending in the application.
3. Claim 6 has been rejected.
4. Claims 1-5 and 7-48 have been cancelled.

Continued Examination Under 37 CFR 1.114

5. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2004 October 25 has been entered.

Allowable Subject Matter

6. The indicated allowability of claim 6 is withdrawn in view of the newly discovered reference(s) to Rodkin et al. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claim 6 is rejected under 35 U.S.C. 102(e) as being anticipated by Rodkin et al U.S. Patent No. 6,748,385 B1.

As to claim 6, Rodkin et al discloses a method of enabling the use of a digital work on plural computing devices, the method comprising the acts of:

receiving, from a computing device, a request to enable the use of the digital work on the computing device the request comprising first data indicative of a user [column 13, lines 16-25], the digital work being associated with the user and requiring the presence of second data on the computing device in order to be used on the computing device [column 13, lines 26-31]; and

if a limit associated with the user has not been reached, providing the second data to the computing device [column 22, lines 58-64],

wherein the limit comprises a restriction on the rate at which the user may enable computing devices to use the digital work wherein the limit comprises a time-dependent number of computing devices on which use of the digital work may be enabled [column 22, lines 58-64], wherein the time dependent number is the sum of:

a first predetermined number of computing devices on which use of the digital work may be enabled during a first time period [column 22, lines 58-64]; and

the product of a second number and a third number, wherein the second number is the number of second time periods that have commenced or elapsed since the end of the first time

period and the third number is a number of computing device on which use of the digital work may be enabled for each of the second time periods [column 13 line 62 to column 14 line 14], wherein the time-dependent number is capped at a maximum value if the sum exceeds the maximum value [column 13 line 62 to column 14 line 14], and wherein the limit comprises restricting the number of computing devices on which the user may enable use of the digital work to five computing devices within the first ninety day period following the first enablement of a computing device by the user, plus an additional computing device for each ninety day period following the expiration of the first ninety day period [column 13 line 62 to column 14 line 14], wherein the maximum number of computing devices on which the user may enable use of the digital work is limited to ten notwithstanding the number of ninety day periods that have elapsed since the first enablement [column 13 line 62 to column 14 line 14].


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Conclusion


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aravind K. Moorthy whose telephone number is 571-272-3793. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aravind K Moorthy 
April 11, 2006

CHRISTOPHER REVAK
PRIMARY EXAMINER

 4/11/06